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ABSTRACT

In 2002, Florida voters placed on the ballot through petition and passed a state constitutional amendment mandating universal prekindergarten (UPK) for all 4-year-olds beginning in 2005; it was the nation's first voter-initiated, mandated UPK. This case study examines Florida's successful UPK campaign. The report highlights the leadership of David Lawrence Jr., the former publisher of The Miami Herald and chairman of the Florida Partnership for School Readiness (the gubernatorially appointed state board overseeing Florida's programs of child care and early education), and of Alex Penelas, the executive mayor of Miami-Dade County. The major impetus for the amendment was the 1999 School Readiness Act, which created the Florida Partnership for School Readiness to administer all child care, health, and educational programs for children birth to age 5, to allocate combined state and federal funding, and which required local School Readiness Coalitions. Rules suggested for achieving success in passing a constitutional amendment include: (1) polling to assess support for and opposition to UPK; (2) ensuring that the proposal can pass the state constitution's own legal tests and possible challenges; (3) raising money to gather the required petitions; and (4) hiring a professional petition-gatherer. Efforts to promote the UPK amendment included rallies and informational meetings, focus groups, and major conferences. The case study highlights the importance of identifying which vested interests are apprehensive about UPK and trying to allay their fears in every possible forum. Additional local actions described in the case study include the creation of The Children's Trust in Miami-Dade County and the passage of a levy for a half-mill (50 cents per $1,000 assessed valuation) property tax to finance its programs. State action included the formation of a UPK Advisory Council to analyze programmatic aspects and outcomes for UPK programs. Remaining challenges to the Governor and the legislature include selecting a government agency to house UPK and selecting someone to head the program. A summary of recommendations regarding UPK from the Florida Partnership for School Readiness is appended. (Contains 35 footnotes.) (KB)

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

"How Florida's Voters Enacted UPK When Their Legislature Wouldn't"

By Jim Hampton

ED 482 857

Introduction

In the November 2000 Presidential election, Florida became an international laughingstock when its vote count became so bollixed up that the final tally couldn't be determined for 35 days. The Presidency hung in the balance: Florida's 25 electoral votes would determine the next President.

A Constitutional crisis loomed as November passed into December. The December 18 deadline for the Electoral College to choose the 43rd President was creeping inexorably closer. But Florida was still recounting, and stopping, and recounting, and stopping – all to no avail.

Platoons of lawyers for Al Gore and George W. Bush – including former U.S. secretaries of state James Baker (for Bush) and Warren Christopher (for Gore) – had swiftly descended on Tallahassee, arguing caustically over the recounts. To the delight of late-night TV comics, Florida's standoff introduced four new terms into the lexicon of political infamy: "hanging chad," "pregnant chad," "dimpled chad," and Palm Beach County's maladroitly designed "butterfly ballot."[1]

Finally, on December 9, 2000, the U.S. Supreme Court stayed the Florida Supreme Court's latest recount permission. Then, on December 12 – just six days before the Electoral College was to meet – the High Court essentially gave the prize to George W. Bush. In two historic rulings – one 7-2, the other 5-4 – the court halted the Florida recounts entirely. These rulings gave Florida's 25 electoral votes to Bush. Thus he won in the Electoral College – 270 of 538 total votes required – by 271 votes to Gore's 267. Bush ended up winning Florida by

[1] Chad is the lozenge-shaped, edge-perforated part of a paper ballot, about one-eighth inch wide by three eighths inch long, that is designed to fall into a discard tray below the voting machine when the voter punches a stylus through the corresponding hole above the chad to vote for a candidate or ballot question. Because the counting machines read only the holes left by punched out chad, any incompletely punched chad shows up as a "No" vote. A "hanging chad" results when the lozenge remains attached to the ballot by one or more edges; counting machines can't read it. A "pregnant chad" results when the voter's stylus creates an indentation – think of the profile of an expectant mother's stomach – but the edges are intact and the chad doesn't dislodge. A "dimpled chad" results when a too-gentle push of the stylus merely dimples the chad while leaving its edges intact. Palm Beach County's "butterfly ballot" is difficult to explain in print so readers can understand how hundreds of Palm Beach County Democrats said they voted for Pat Buchanan for President when they intended to vote for Al Gore. Perhaps it was because the dark rule on the ballot above the Democratic candidates, Gore and Senator Joe Lieberman, pointed directly across the page to the punch-card hole for Pat Buchanan. The reader can examine the ballot itself and decide whether it was unintentionally designed deceptively, or whether Democrats who said they voted for Buchanan by mistake merely were careless.

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just 537 popular votes out of six million cast there. Nationwide, Gore won the popular vote.

After this debacle, unprecedented in U.S. electoral history, Floridians needed a historic statewide triumph to assuage their wounded feelings and reputation. In the November 2002 election, they got it – entirely on their own. Thwarting their Legislature's recalcitrant leadership, Floridians put on the ballot by petitions – signed by 722,000 voters – a Constitutional amendment that makes available state-paid, voluntary, universal pre-kindergarten education (UPK) for all 4-year-olds beginning in 2005. On Election Day, the amendment passed by 60 to 40 percent.

No other state's voters had ever mandated UPK *by themselves*. Georgia's voters, of course, in 1992 had become the nation's first to institute free kindergarten via Constitutional amendment; UPK followed a couple of years later. But that amendment originated with the Georgia Legislature, as Georgia's Constitution requires. Georgia's voters then ratified it, but they lacked the Constitutional means to initiate amendments themselves by petition.[2]

So after beating their breasts in anguish over Florida's humiliating ballot confusion in November 2000, Floridians in November 2002 had occasion to thump their chests with pride for what they had done for their 4-year-olds. While this UPK achievement is signal in itself, it augurs potential far beyond Florida. For according to the Initiative and Referendum Institute of Leesburg, Virginia, 23 states besides Florida allow Constitutional amendments by voters' petitions.[3] Thus, for at least some of those states, Florida could become a how-to-do-it template to guide their own UPK petition drives.

This case study, therefore, will focus on *what* Florida's voters did, *who* inspired them to do it, and *how* their successful UPK campaign was organized, run, and financed. This how-we-did-it approach could help advocates in at least some of those 23 other states to implement UPK via Constitutional amendment.

An Editor and a Mayor Take Charge

The inspiration for this Florida UPK movement comes down to three words: Lawrence and Penelas.

David Lawrence Jr., former publisher of The Miami Herald, provided the civic inspiration that undergirded the Constitutional-amendment drive. Besides a

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[2] Anthony Raden, Ph.D., *"Universal Prekindergarten in Georgia,"* subtitled *"A Case Study of Georgia's Lottery-Funded Pre-K Program,"* Working Paper Series, Foundation for Child Development, New York, August 1999.

[3] Initiative and Referendum Institute, Leesburg, Va. 703-723-9621. Listing of states is on the Institute's website, www.iandrinstitute.org

distinguished 35-year career in journalism, Lawrence had compiled a glittering record of public service in his 10 years as The Herald's publisher.

The recipient of ten honorary degrees, Lawrence had been president of the hemisphere's two most prestigious organizations of newspaper editors: the American Society of Newspaper Editors and the Inter American Press Association. In 1994 he co-chaired the committee that organized the Summit of the Americas, which brought the heads of all the hemisphere's 34 democracies to Miami.

Here, in the spirit of full disclosure, I should explain my relationship with, and admitted personal bias toward, Dave Lawrence. I directed The Miami Herald's editorial pages for 21 years, from 1978 through 1998. In 1989 Lawrence became The Herald's publisher, to whom I reported directly. We had adjoining offices. Both our office doors were normally open. I knew who his visitors were; he knew mine. We frequently attended each other's meetings. We traveled together to Cuba, Haiti, elsewhere in the Caribbean, and in South America. We had a close daily relationship at The Herald. We've remained fast friends since our retirements in 1998. That said, I have never had, and do not now have, any relationship, financial or otherwise, with Lawrence and the foundation that he heads.

So when an outside reviewer of this report asked for an explanation of Lawrence's singular qualities and skills, I asked Lawrence himself. The reader is, of course, free to view Lawrence's responses as self-serving. But based on my 10 years of daily observation of his comings and goings, and his interactions with others, I attest to Lawrence's veracity.

"In 10 years as The Herald's publisher, I probably worked as hard as anyone to know who's who [in South Florida and the entire state] and how it all connects," Lawrence said. "I think I have a real journalistic talent at getting information – asking a lot of questions. I have the qualities of a salesman with an evangelical bent. I'm willing to work as hard as most folks" toward whatever goal is sought. And "I have a real hunger to learn." Again, my own 10 years of observing him close-up affirm Lawrence's self-evaluation.[4]

After leaving The Herald at the end of 1998, Lawrence plunged headlong into his already-surging passion: early-childhood education. With private funding, he founded the Early Childhood Initiative Foundation, which he still heads. Until June 30, 2003, he was chairman of the Florida Partnership for School Readiness, the gubernatorially appointed state board that oversees Florida's programs of child care and early education for children from birth to age 5. In short, name practically any children's issue in Florida since 1996, and Lawrence's fingerprints are on it. Clearly, his early passion surges still.

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[4] Dave Lawrence, telephone interview, August 8, 2003

Lawrence had little difficulty in persuading Alex Penelas, the executive mayor of Miami-Dade County, Florida's largest county, to undertake the political leadership. With 2.3 million people, Miami-Dade County's population is larger than that of 16 states. Its nearly 30,000 employees and an annual budget of $5 billion-plus make it the largest county government in the southeastern United States.

Penelas, a Miami-born Cuban-American Democrat, had served six years as a county commissioner when he was elected to the then-new position of executive mayor in 1996. He was easily re-elected in 2000. He is unquestionably his mega-county's most powerful elected official. He doesn't participate in deliberations of the 13-member Miami-Dade County Commission, but he has veto power over its decisions – subject to commission override. In April 2003, he opened a campaign account to seek the 2004 Democratic nomination for U.S. senator after the three-term Florida incumbent, Bob Graham, announced his candidacy for President. Senator Graham abandoned his Presidential campaign on October 6, 2003.

Father of two young sons, Penelas already had shown his own passion for early childhood education even before Lawrence called on him in 2001 to head the UPK effort. In January 1999, convinced by Lawrence of the need and opportunity, Penelas had launched a countywide campaign to promote children's issues. That same month, Lawrence went to Paris to observe the French system known as *ecoles maternelles* – literally "maternal schools." From Paris, Lawrence went to Sweden to learn about its early-childhood education. In France, children ages 2 to 6 attend school in government-paid settings. Their teachers are certified by national standards, and they earn as much as teachers in upper grades. Lawrence came back from that 1999 visit to declare: "I've seen the new world."[5] He was determined to try to make Florida part of that new world.

Lawrence and Penelas had no way of knowing as that year dawned that 1999 would introduce Florida's young children to a new world of hope and help unprecedented in the state's history. Events that year – and the Legislature's default for two consecutive sessions later – paved the way for passage of the UPK measure, Amendment 8, in 2002.

The major 1999 impetus, by far, came when the Florida Legislature – having spurned it the two previous years – finally passed the School Readiness Act. That law put under one roof – initially the governor's office – all child-care, health, and educational programs for children from birth to age 5. The act also funds services for certain special-needs youth up to age 17. Governor Jeb Bush subsequently transferred administration of this act to the Agency for Workforce Innovation (AWI), Florida's welfare-to-work agency. Lieutenant Governor Toni Jennings said the program ended up in AWI because Education Secretary Jim

[5] Dave Lawrence, personal interview, March 3, 2003.

Horne had pleaded that his department was too swamped at the time to take on this major effort. That reluctance no longer obtains, Jennings said.[6]

For the first time, the School Readiness Act melded state and federal funding for these children's programs into one common pot. That has created some headaches as well. When federal and state funds are blended, federal rules – more restrictive than those of most of Florida's state-funded programs as to eligibility and the like – apply across the board.

The School Readiness Act also created the Florida Partnership for School Readiness to administer these programs and to divide this funding pot among local School Readiness Coalitions, which the act also authorized. A 20-member board sets the Partnership's policies. Its members include six designated state officials and 14 citizen members appointed by the governor. The Partnership in turn reports to the welfare-to-work AWI.

The new law wisely required each local School Readiness Coalition, each with 18 to 25 members, to have more than a third of its membership from the private sector. There are now 50 such coalitions serving Florida's 67 counties. Several smaller rural counties, principally in North Florida, have multi-county coalitions. Each coalition contracts with local service providers, public and private, under statewide rules and regulations. After a year of planning and start-up, the local coalitions were up and running in 2000.

In the 2002-2003 budget year, the Partnership via the local Coalitions spent nearly $686.2 million on Florida's School Readiness Act. About $499.5 million of that total was federal money for at-risk children and those from needy families. Another $181.9 million was from state general revenues. The final $4.7 million was local funding.[7]

In the 2002-2003 budget year, the School Readiness Act served a total of 265,835 children from birth to age 5, according to Katherine Kamiya, the Partnership's executive director. Because children enter and leave the program all year long, she went on, the daily average was 167,790 children served. "On average," she added, "about 65 percent are birth to age 5, and 35 percent are school-age or children with special needs."

By contrast, Georgia in the past fiscal year spent $252 million in state lottery funds to provide UPK to 65,900 4-year-olds. The average cost per child was $3,824, according to Marsha Moore, director of Georgia's Office of School

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[6] Lieutenant Governor Toni Jennings, personal interview in her Orlando satellite office, June 9, 2003.

[7] Fiscal-year data from the Florida Partnership for School Readiness, Tallahassee, supplied by Katherine Kamiya, executive director, May 12, 2003. Telephone 850-922-4200. E-mail **katherine.kamiya@schoolreadiness.org**

Readiness. Georgia's UPK program began with a relatively tiny $3 million pilot program serving 750 children in the 1992-1993 school year, she added. As of the 2002-2003 school year, Georgia's program since 1992-1993 had spent $1.874 billion and served a total of 500,850 children, she said.[8]

As the Florida Legislature was passing the School Readiness Act, Penelas and Lawrence were moving decisively on behalf of young children in Miami-Dade County. First, in January 1999,the mayor proclaimed 1999 the Year of the Child in the county. Then, in May 1999, Lawrence brought together a diverse group of some 177 Miami-Dade residents for 2-1/2 days to map strategy for helping children. Delegates included early education advocates, the school superintendent, the state attorney, the chief juvenile judge, the county's chief health officer, ministers, businesspeople, and others. They produced a broad set of goals to benefit young children and suggested ways to achieve them. Of all the goals enumerated, UPK was No. 1.

Subsequently, in the summer of 1999, Lawrence convened 21 separate community meetings in various areas of Miami-Dade County. At each, he and others preached a well-honed sermon (the term is not inapt) that early attention to children's education, health care, and socialization has incalculable benefits to society – and saves society enormous remedial costs later on.

Finally, on September 30, 1999, Penelas convened Miami-Dade County's first-ever Mayor's Children's Summit. It drew nearly 5,000 people. They included educators, parents, doctors, child-care providers, and community leaders. The summit's purpose: to find ways "aimed at improving the health care, nutrition, education, social skills, and quality of life of children from infancy to age 5, which are considered the most important years in a child's development."[9] The School Readiness Act clearly was, and remains, crucial to all these vital goals. Now, of course, so is UPK.

Buoyed by the School Readiness Act's success, Lawrence turned to Miami-Dade legislators, both Democrats and Republicans, for help in making UPK a reality in Florida. At Lawrence's behest, Miami-Dade legislators in 2001 and 2002 introduced in both houses bills to have the Legislature itself pass a law implementing UPK. In both sessions, for whatever reasons, the Legislature's leaders smothered Lawrence's baby in its crib.

That rejection lit Lawrence's fuse. He thereupon called Penelas, whose own fuse already was primed to be set alight. Over the next weeks and months, Lawrence

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[8] Data supplied by Marsha Moore, director, Georgia Office of School Readiness. Telephone interview, May 14, 2003. Telephone 404-463-0277. E-mail **marsha.moore@mail.osr.state.ga.us**

[9] See "About the Mayor," cover page, final paragraph, on the Miami-Dade County website, **www.miamidade.gov**

and Penelas together planned a campaign to one-up the Legislature and get voters to put a UPK Constitutional amendment on the ballot by petition. How they did it is worthy of the telling, and the knowing – especially for UPK advocates in other petition-eligible states who might wish to emulate Florida's approach.

Florida's Petition Campaign Is Born

Even as Lawrence and Penelas were planning their petition campaign in late 2001, they were prepared to abandon it had the Legislature – which meets from early March to early May each year – itself simply passed a UPK law. So said lawyer Erica McKinney, the senior Penelas aide responsible for child-welfare issues. But "after this series of legislative failures, it was clear to Mayor Penelas and Mr. Lawrence that if there was ever going to be any serious hope of getting universal pre-k passed in the state of Florida, it was via a citizens' initiative," McKinney explained. "The legislative will did not exist on a comprehensive level, and as we've learned since, no one [in the Legislature] wanted to be responsible for bringing an item forth that could possibly have a substantial price tag."[10] Lawrence said later that legislative leaders shunned the UPK idea because they feared creating a new, expensive entitlement program.[11]

Driven, then, by the Legislature's unwillingness to act, the Lawrence-Penelas campaign went ahead full-bore in early 2002. The mayor lists three criteria that organizers of such campaigns must meet if they're to succeed. UPK supporters in other states who would emulate Florida's success should take these points to heart.[12]

- **"You have to feel passionately about the issue.** And I felt passionately about it. In fact, Christopher [his younger of two sons] was in pre-k just as I was doing this, and I was seeing day to day his improvement, how he was starting to write out his name. And while [Penelas's wife] Lilliam and I could afford to pay for it, we felt it was unfair that so many other kids went without because they couldn't afford it.

- **"Number 2, you've got to put a great team around you.** If you're going to go the petition route, you've got to trust those mechanisms to people who know what they're doing. You've got to have polls. You've got to have lawyers who are experts on [state] Constitutional amendments, and a good firm that knows how to gather petitions."

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[10] E-mail from Erica McKinney, senior social-policy aide to Mayor Penelas, May 30, 2003.

[11] Dave Lawrence, telephone interview, August 8, 2003.

[12] Miami-Dade County Mayor Alex Penelas, personal interview, April 14, 2003.

- **"And all that results, of course, in Number 3, which is that you've got to raise a lot of money.** We ended up raising $1.8 million-plus, and $1.4 million of that was spent just on the petitions, or about $2 for each of 722,000 petitions collected." [The Florida Constitution required some 488,700 valid petitions, but petition gatherers typically try for almost twice the required number to allow for invalid petitions].

With the remaining $400,000, Penelas said, "we flooded this [South Florida] media market. We figured if we could get in the 70s [percent support] in South Florida, then we're 50 percent of the way home. So we flooded South Florida," particularly with radio ads: in Spanish, English, and Haitian Creole. "And it paid off. The three South Florida counties came in at like 75 percent, so we were home." [South Florida's three counties – Palm Beach, Broward, and Miami-Dade – contain almost a third of Florida's 16 million residents. Thus an overwhelming vote in South Florida can weigh inordinately in either success or defeat for any given ballot question or candidate.]

As it happened, Penelas had in waiting the key people – a pollster, lawyers to parse the Florida Constitution, and a seasoned petition-gatherer – needed to begin the citizen-initiative process. UPK advocates in other states might well bear this process in mind – while also recognizing that their own state's ballot requirements may differ markedly from Florida's. Penelas and Lawrence suggest these rules:

Rule 1: Do polling to assess the support for, and opposition to, UPK. To do this, Penelas turned to Keith Frederick of Frederick Polls of Arlington, Virginia, a firm he had used before. From August 20 to September 5, 2001, Frederick polled 800 likely voters statewide to test their likely support for UPK. Their response proved exhilarating to Penelas and Lawrence. About two-thirds of likely voters statewide supported the idea of state-paid, voluntary, pre-k. Even among conservative Republicans, a majority supported UPK. Support among blacks and Hispanics was strongest – 85 and 77 percent, respectively. Among parents with children under 5, support was 75 percent. Among parents of school-age children, support was a still-strong 64 percent.[13]

Equally important, the poll detected no discernible constituency *against* UPK. With those comforting figures in hand, Penelas and Lawrence figured they easily could trump the recalcitrant Legislature *if* they could craft a Constitutional amendment that would pass the Florida Supreme Court's strict muster – and, of greatest importance, *if* they could raise the money to collect the signatures necessary to put the proposed amendment on the 2002 ballot. Those efforts began promptly.

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[13] Poll by Frederick Polls, Arlington, Virginia, *"Florida Voters' Views on Educating Four-Year-Olds,"* September 2001. Telephone 703-528-3031. E-mail **keith@frederickpolls.com**

Rule 2: Ensure that your petition proposal can pass your state Constitution's own legal tests and possible challenges by opponents. A stellar example: Had the Florida Legislature passed the proposed Constitutional amendment that Georgia's Legislature passed in 1992, the Florida Supreme Court would have struck it down instantly. Why? Because the Georgia proposal did three things: It established a lottery. It directed certain lottery funds to UPK. It directed other lottery funds to HOPE college scholarships for Georgia high-school graduates.

That three-pronged initiative instantly would have run afoul of the Florida Constitution's "single-subject rule." Put simply, that rule says that proposed amendments to Florida's Constitution must address only one subject. For example, a proposal to establish UPK *and* to increase teachers' salaries would address *two* subjects.

Second, the Florida Constitution requires that the actual ballot language of proposed amendments must be clear, unambiguous, and consist of no more than 75 words. Florida's attorney general first must certify to the Florida Supreme Court that the ballot language meets the single-subject test. If the court agrees, the proposal is approved for the ballot.

The UPK ballot language cleared both hurdles, and it beat the 75-word stricture by 11 words. On their November 5, 2002 ballots, voters saw these 64 words as Constitutional Amendment 8:

"Every four-year-old child in Florida shall be offered a high quality pre-kindergarten learning opportunity by the state no later than the 2005 school year. This voluntary early childhood development and education program shall be established according to high quality standards and shall be free for all Florida four-year-olds without taking away funds used for existing education, health and development programs."[14]

Rule 3: Raise the money needed to gather the requisite number of petitions. It's extraordinarily difficult for ordinary citizens, even if reasonably well organized, to raise enough money to finance a Constitutional-amendment campaign. Bake sales and car washes have their natural limits, after all. Realizing this, Penelas turned to his fund-raising aide, Fred Menachem, to shake the grove of money trees around Florida.

"We've got a base of people who have helped for years with [Penelas's] own campaigns," said Menachem. "People give for numerous reasons in

[14] Official ballot language, Constitutional Amendment 8, passed November 5, 2002.

politics. [Some] people are interested in gaining favor. [Other] people are interested in children's issues, either because they're involved in them or because they have children."[15]

Menachem's task was eased somewhat because Florida law places no limits on donations to Constitutional-amendment campaigns. "It's a lot easier in a sense to raise this kind of money because there's no cap," Menachem explained. Thus, he said, Care Plus Health Plans, Inc., a Florida HMO, donated $200,000 to the UPK drive. Miami-based Carnival Cruise Lines donated $110,000. The largest personal contribution, $150,000, came from millionaire Miami auto dealer Alan Potamkin, Menachem said.

In the end, with Menachem's help, Penelas ended up raising nearly $1.84 million for the UPK drive. Of that, some $1.4 million went to gather what turned out to be 722,000 petitions, at about $2 each.

Rule 4: Hire a professional petition-gatherer. To do that, Penelas tapped Lee Albright, a principal of National Petition Management, a firm with offices in Lansing, Michigan, and Roseville, California, near Sacramento. Albright said in a telephone interview that he had done petition campaigns in a dozen or so states, including California and others in Florida.[16]

"In terms of gathering petitions, this was probably the easiest issue we've ever worked on anywhere," he said. He attributed that ease to the lack of opposition and the popular appeal of helping to prepare 4-year-olds for school in a voluntary, state-paid system open to all pre-k providers who meet statewide standards.

Florida law requires Constitutional-amendment petitions to be signed by voters in at least half the state's congressional districts equal to 8 percent of the votes cast statewide in the last Presidential election. Some six million votes were cast in 2000, so Albright needed 488,700 valid signatures. The petitioners then must submit valid signatures to the Florida Supreme Court from at least three congressional districts.

Albright said he began his petition gathering in February 2002 and was finished by late July. He set up shop in Hollywood, in Broward County, and sent in four of his firm's employees from three other states. He advertised

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[15] Fred Menachem, telephone interview, undated April 2003.

[16] Lee Albright, a principal of National Petition Management, Lansing, Michigan, and Roseville, California, telephone interview, April 22, 2003. Telephone 916-837-5954. Website www.aboutnpm.com

for petition gatherers and signed up some 600 as independent contractors.

Once a sufficient number of petitions are gathered in a given Florida county, petitioners must submit the signatures to that county's supervisor of elections. The supervisor charges 10 cents per signature to validate (or invalidate) the signature.

Into the Stretch Run

Penelas's wife, Lilliam Arrarte Penelas, on May 30, 2002, symbolically signed the final petition needed – No. 488,722 – to put the measure on the ballot. "For all the children of the state of Florida," she declared as she signed the petition at Miami Lakes Elementary School. The Albright petition team went on, of course, to gather 722,000 signatures – just in case.

With the fund-raising and petition-gathering campaigns well in hand, Lawrence and Penelas began to criss-cross Florida to promote the UPK amendment. Singly or together, they held rallies and informational meetings – and Penelas held numerous focus groups – all summer and fall in virtually every city of any size in Florida.

These weren't just cheerleading sessions. Said Phyllis Kalifeh, president of the Tallahassee-based Florida Children's Forum, a leading child-advocacy organization. There were egos to be assuaged, hands to be held, deep concerns to be allayed.

"There was concern that the early childhood community may be divided over this issue," Kalifeh explained. "There was fear by the private providers that they would be shut out. Unfortunately, in child care each age cohort does not stand alone in terms of its profitability. So [the private providers] weren't necessarily embracing the idea. We had to work with a lot of them to explain" that access would be universal and that they would be included if they met standards.[17]

To spread the word and calm nerves, early childhood advocates held three major conferences in 2002. A July Children's Forum conference in Tampa drew 900 people. In early September, an Early Childhood Association meeting in Orlando drew more than 1,000 attendees. In October, the Forum held a conference primarily for leaders in the early education field. More than 500 people attended. Penelas spoke at all three conferences, Kalifeh said.

Large venue or small, the message was always the same: The state will pay for the UPK program's basics. No parent will be compelled to participate; it'll be wholly voluntary. The public schools, private child-care providers, home-based

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[17] Phyllis Kalifeh, president, Florida Children's Forum, Tallahassee, Florida, telephone interview, April 21, 2003. Telephone 850-681-7002.

providers, and faith-based institutions all may apply. All providers who meet statewide standards, not yet set, will be eligible to participate.

Over the summer, the message got through. By Election Day on November 5, 2002, any organized opposition to UPK was undetectable. Even so, some 40 percent of Florida's voters still voted against the amendment. Nobody knows why, because evidently no one did any exit polling to ask. The Lawrence-Penelas camp was out of money, said fund-raiser Fred Menachem by telephone.[18] Reached at his office in suburban Washington, D.C., pollster Keith Frederick gave the telephonic equivalent of a shrug that said, "When you've won by a 3-2 margin, why do exit polls?"[19]

Actually, a 40 percent No vote isn't all that unusual in Florida – especially on issues, such as UPK, that involve spending considerable money. Florida has a high proportion of elderly retirees, many of them on stringent fixed incomes. Any issue that could cost them money, therefore, tends to trigger a No response.

Jack Levine, president of Tallahassee-based Voices for Florida's Children, is a seasoned veteran of Florida children's issues and Tallahassee politics. He suggested another possible contributing factor for the high No vote. Based on his 25 years of observing Florida politics, Levine said, on any issue or candidate one can count on 40 percent support, 40 percent opposition, and 20 percent persuadable. The key to victory, he posited, is to persuade a majority of that 20 percent to vote your way. Levine called the 40 percent of "aginners" "CAVE people – Citizens Against Virtually Everything." That's an unscientific opinion, granted, but wholly plausible.[20]

The lesson here for UPK advocates in other states that would emulate Florida's example is clear: Find out which vested interests – possible UPK providers, parents, public schools, or whomever – are apprehensive about what UPK might mean for them individually. Try to allay their fears in every possible forum. Then hope for the best.

Within One Triumph, Another

For the children of Miami-Dade, Florida's largest county, the best actually arrived nearly two months before Florida voters statewide approved the UPK Constitutional amendment. In the September 10, 2002, primary election, Miami-Dade voters approved by a 2-to-1 margin a proposal to create The Children's Trust and to allow it to levy a half-mill (50 cents per $1,000 assessed valuation)

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[18] Fred Menachem, telephone interview, August 19, 2003.

[19] Keith Frederick, telephone interview, August 20, 2003.

[20] Jack Levine, president, Voices for Florida's Children, Tallahassee, Florida, undated telephone interview, late March 2003.Telephone 850-222-7140. E-mail jack@floridakids.org

ad valorem property tax to finance its programs. The special levy will be assessed beginning in the fall of 2003 and will run for five years. Then, if voters approve in 2008, the tax would become permanent. At present tax rates and property evaluations, the levy is expected to yield up to $60 million per year, or $300 million over five years, *solely* for programs to benefit Miami-Dade's children.

This vote, people involved in promoting it said, was engineered chiefly by Dave Lawrence with the full backing of Mayor Penelas and a host of community groups and individual leaders. Moreover, it marked an astonishing 180-degree turnaround from a vote on a similar initiative for children in 1988.

In September 1988, Miami-Dade voters voted by a 2-to-1 margin to establish a Juvenile Welfare Board. But in the November 1988 general election, those same voters *rejected*, again by a 2-to-1 margin, a measure to give that board taxing authority to fund its programs.

Child advocates didn't give up, however. Led by then-State Attorney Janet Reno (who became U.S. Attorney General from 1992 through 2000), senior School Board member Janet McAliley, and Miami-Dade's senior Juvenile Court judge, Seymour Gelber, the advocates in 1990 sold the Miami-Dade County Commission on this proposition: "Look," they said in essence, "even though voters in November 1988 refused to fund a Juvenile Welfare Board, in September 1988 they said by a 2-to-1 margin that they *wanted* one. So you have a moral obligation to establish an entity by ordinance."

The County Commission agreed, and obliged. To replace the moribund Juvenile Welfare Board, it established the Children's Services Council but authorized only minimal funding for it. Modesto Abety, a veteran county employee then with the Community Action Agency, agreed to head the Council. The September 2002 vote creating The Children's Trust essentially subsumed the Children's Services Council into the new entity. On June 11, 2003, The Children's Trust board, which Lawrence chairs, unanimously chose Abety as the Trust's CEO.[21]

Lawrence said at least three major factors caused the 2002-from-1988 turnabout in favor of The Children's Trust. First, its campaign had solid support from a wide array of respected community leaders and groups promoting children's welfare. Second, Miami-Dade voters had seen – and appreciated – the Herculean efforts, and the marked progress, recorded in children's issues in recent years. These included the Miami-Dade United Way's Success By 6 program, Mayor Penelas's dedication to children's causes, begun in 1999 and continuing to today, the efforts by the county's School Readiness Coalition to upgrade the quality of local child-care providers, and outreach programs run by Lawrence's own Early Childhood Initiative Foundation.

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[21] "Children's trust gets a chief," *The Miami Herald*, June 12, 2003.

Lawrence approached his campaign for The Children's Trust with his usual meticulousness. In comparing UPK with The Children's Trust, he said, "I always saw one as undergirding the other." To that end, he sent out 1,400 letters soliciting donations to The Children's Trust campaign. His appeal yielded donations of $743,000 – more than one-third of the total raised for the *entire* statewide UPK campaign. The largest single contribution, $150,000, came from Jane and Jerry Katcher, principal funders of Lawrence's Early Childhood Initiative Foundation. On the advice of Sergio Bendixen, chief campaign strategist and president the Miami polling firm of Bendixen & Associates, Lawrence waited until the final 10 days before the September 2002 election to uncork this geyser of money. Then the campaign spent it for a slew of radio and TV ads, and some newspaper ads.[22] Result: a 2-to-1 favorable vote.

Its promoters had pledged all along that The Children's Trust would be independent of political interference and would have scrupulous accountability and transparency for its spending and operations. Indeed, the Miami-Dade County Commission ordinance establishing the Trust on December 2, 2002, all but engraved that pledge in stone. It specified that "The budget of the Trust ... shall not be subject to change or modification by the Board of County Commissioners or any other authority." As further assurance to voters, the ordinance further specified: "Neither shall the Board of County Commissioners consider The Children's Trust funds to be a supplanting of County funds for children's services."

And although the ordinance establishing it didn't require this, one of the Trust's first acts was to pledge this distribution of its income: One-half (some $30 million a year by present estimates) will go for programs for children from birth to age 5. One-fourth (some $15 million a year) will go for children ages 6 through 12. Another one-fourth (again, $15 million a year) will go for at-risk and troubled teens ages 13 through 17.

Abety said that Miami-Dade County's population of 2.3 million includes some 600,000 children and youths from birth to age 18. About 200,000 are in each of the age groups (0-5, 6-12, and 13-17) who potentially could benefit from programs funded by Trust dollars, he said.[23]

Finally, on July 2, 2003, the W.K. Kellogg Foundation lit a significant candle atop The Miami-Dade Children's Trust's celebratory cake. Kellogg awarded $4 million to Lawrence's Early Childhood Initiative Foundation to begin "school readiness" programs for more than 1,000 3-year-olds who will eventually go to eight

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[22] Dave Lawrence, *Ibid.*

[23] Modesty Abety, CEO, Miami-Dade County Children's Trust, telephone interview, July 4, 2003.

elementary schools in four of Miami-Dade's poorest communities. The project will require parents to work closely with their young children's respective schools under a five-year agreement. The basic idea is to create a parent-child-school triad that will improve parenting, enhance parent-school involvement, and prepare these children better for entering kindergarten at age 5.

"We are extremely excited to be part of a national initiative to bring parents, schools, and communities together for children who need our help most," Lawrence said in announcing the grant.[24]

"The goal is to connect parents with their child's education and show them how they can work with their child," added Georgina Palomo, principal of Homestead's Laura C. Saunders Elementary, one of the eight schools involved. She said that of 200 children who enter her kindergarten each year, only about 20 percent are prepared to learn. "This is really going to help close a tremendous gap on that," she added.[25]

Legislators meet voters' UPK – and punt

Hardly any astute observers of the Florida Legislature expected that its 2003 session would try to craft legislation to implement UPK in the fall of 2005. To begin with, legislators faced a $4 billion budget shortfall. It had to be overcome to produce the Constitutionally required balanced budget. Moreover, the House and Senate were intractably divided over raising taxes and fees, or cutting programs and services, to balance the budget. In addition, they were hopelessly at odds with the governor over whether – and if so, how – to impose caps for pain-and-suffering awards in medical-malpractice cases. Given these formidable obstacles, it would be far easier to defer to the 2004 Legislature the arduous task of crafting legislation to implement UPK. That's exactly what happened.

Instead, the 2003 Legislature passed a bill mandating that the Florida Board of Education, the Auditor General, and an agency lyrically named OPPAGA – for Office of Program Policy Analysis and Government Accountability – do a thorough study of UPK to guide the governor and 2004 Legislature and to report back to the Board of Education by December 31, 2003. OPPAGA is Florida government's equivalent of the U.S. government's nonpartisan General Accounting Office.

On April 15, 2003, the Board of Education announced the formation of a UPK Advisory Council to analyze, in the Board's words, "the programmatic aspects and outcomes for [UPK] programs." Lieutenant Governor Toni Jennings was named to head the Council. Its other designated members include "the

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[24] "Learning support for 3-year-olds gets boost," *The Miami Herald*, July 3, 2003.

[25] *Ibid.*

chairperson of the Partnership for School Readiness; the Commissioner of Education or his designee; the secretary of the Agency for Workforce Development or her designee; the chairperson of a local School Readiness Coalition; the superintendent of a local school district; a representative of the faith-based providers of school-readiness programs; a representative of the private providers of school-readiness programs; a representative of public-school providers of school-readiness programs; a representative of public-school providers of pre-kindergarten programs for students with disabilities; [and] a representative of the directors of Head Start programs." The UPK Advisory Council was mandated to address these issues:

Curriculum standards in the areas of language and communication, early literacy and reading, and cognitive development that include developmentally appropriate assessments:

- Expected outcomes for children and school readiness programs.
- Programmatic aspects of the [UPK] program.
- Coordination of [UPK] education programs with existing school readiness programs.
- Best practices for quality [UPK] education programs and providers.
- Cost estimates for quality [UPK] programs.[26]

UPK advocates across Florida were elated by the announcement that Jennings would head this panel. She served two consecutive terms (1997-98 and 1999-2000) as its president during a 20-year tenure in the Florida Senate. Earlier, she served four years in the House. In 1999, she was the acknowledged "mother" of the School Readiness Act, which had failed in 1998 despite her and then-Gov. Lawton Chiles's staunch efforts to get legislators' support. Chiles died unexpectedly in office at the end of 1998. Undeterred, Jennings picked up backing from child-readiness advocates and – according to Lawrence and others involved – used her own moral suasion to soldier on to success when the 1999 Legislature unanimously passed the School Readiness Act. Gov. Bush enthusiastically signed it into law.

"We don't really have many champions for school readiness within the Legislature," Jennings said in a personal interview on June 9. So while a few individual legislators were ready to try to fashion UPK legislation during the 2003 session, she said, "the presiding officers [of the House and Senate] were not ready to handle" it.[27]

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[26] Florida Board of Education announcement titled "Subject: Universal Prekindergarten (UPK) Education Advisory Council," April 15, 2003.

[27] Lieutenant Governor Toni Jennings, personal interview at her satellite office in Orlando, Florida, June 9, 2003.

"I was concerned, as was the governor, that we might lose a year [2003] of planning and thought processing that we might need to get to the next year [2004]." So, she said, at a meeting she suggested the DOE council as a planning vehicle, "and the next thing you know, I ended up as chairman." She chuckled and added: "Beware of what you ask for...."

One of Jennings's first acts was to advance the UPK Advisory Council's reporting deadline to October from December 2003. The first session was held on June 24. Others followed. The Council's report will go to the governor, and to the Legislature, well in advance of the 2004 Legislature's convening in early March 2004.

A look – at least a squint – toward 2004

Despite expectations that the 2003 Legislature might not act meaningfully, UPK advocates wasted no time after the November 2002 election in preparing their wish list for legislators anyway. On November15 – just 10 days after the November 5 election – Mayor Penelas convened in Orlando a conference titled "Florida Universal Pre-K: A Brand New Day." It drew some 600-plus conferees. They, like other conferences of advocates earlier and soon after, drew up a wish list of priorities for legislators. Atop the list: UPK.

A composite of those wish lists, which tended to coalesce around certain core values, is summarized in Lawrence's February 10, 2003, letter to the governor reporting on recommendations of the Florida Partnership for School Readiness, which Lawrence chaired until June 30, 2003. That summary is included as an appendix to this report.*

Lawrence spoke at the November 15 conference to rally the troops anew. He said, in part: "I sent [the governor] a note the other day underscoring the importance of quality, and saying that: 'Everything we know about "readiness" says that poor quality leads to outcomes that either make no difference for children or, in fact, damage their chances for success.' "[28]

The governor's e-mail back said this: "Congratulations. We have much work to do. The budget is tough, and our delivery system is not where it needs to be. We need greater accountability. We need a vision. We need a focus on families and not the providers. ..."[29]

In her interview, Jennings said it may seem odd to some that Bush in 2002 moved the Child Readiness Act, which the 1999 legislation had housed in the

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* See appendix.

[28] Dave Lawrence, speech to UPK conference in Orlando, Florida, November 15, 2002.

[29] E-mail (date unknown) from Gov. Bush to Dave Lawrence.

governor's office, to the Agency for Workforce Innovation, Florida's welfare-to-work agency. Actually, it's not all that odd, she explained. The children ageds0-5 whom the act covers are either at-risk or their parents are low-income and need job training or other help, she said. "The Agency for Workforce Innovation is training everyone from the single unwed mother who never finished high school to the aerospace engineer who is now out of work. There were a lot of people who said, 'Oh, we can't put executive training under [AWI] because that's where all' – and here she paused for italic emphasis – 'the *welfare people* are.' But I said, '*Wait* a minute! We're *not* going to have this line, this *stigma* line.' " Can she erase that "stigma line"? That remains to be seen.

Jennings said she had to be circumspect in answering certain interview questions because she did not want to appear to prejudice the recommendations of the UPK Advisory Council. Even so, she knows full well Governor Bush's aversion to housing UPK in the governor's office – despite the devout wishes of Dave Lawrence and Mayor Penelas. "I think what you are going to get is [that] programmatic standards, accountability, should fall under an Education piece. Now, the administration of it can be just about anywhere. But we may try to move it back to Education. ...

"The thought is we should probably be working toward Education. But we need to put it someplace where it's going to be the star, where it's the most important job they have, not just one of many important jobs."

Jennings also doubted that UPK would cost as much as the $425 million to $650 million a year that the Revenue Estimating Conference, an official panel of state economists, predicted on June 27, 2002. "Liars figure and figures lie," she quipped. The cost should be less, she said, but nonetheless her panel has "got to be able to bring to the Legislature some kind of realistic dollar figure about what it's *really* going to cost." The Legislature then must decide the funding level, she said. Bear in mind that Amendment 8 required that *no* funds be diverted from other educational programs to fund UPK.

In fact, there are three UPK cost estimates that Jennings's panel must consider. They are reported in the thoroughgoing October 21, 2002, report by Joy Frank, general counsel to the Florida Association of School Superintendents.[30]

The Revenue Estimating Conference said that, in 2005, Florida would have 217,140 4-year-olds eligible for UPK. The estimate assumed a 70 percent participation rate (about the same as in Georgia), a program lasting six hours per day for 180 days, and a cost per day per child of $24, or $4,320 per child for 180 days. In the 2002-2003 school year, the Conference said, affirming figures

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[30] Joy Frank, "*White Paper on Voluntary Universal Prekindergarten Constitutional Amendment,*" pp. 7-8 and unnumbered later estimate from Florida Department of Education.

provided by the Florida Partnership for School Readiness, the School Readiness Act served 59,624 4-year-olds. Another 158,549 4-year-olds were *not* being served because they didn't meet the act's criteria of being either at-risk or in low-income households.

Frank reported another, similar estimate from the Council for Education Policy, Research and Improvement. Using essentially the same figures as the Revenue Estimating Conference, this estimate put the annual cost per child at $4,282. All told, this estimate said, UPK could cost $396 million to $651 million per year to implement.

Finally, Frank's report said, the Florida Department of Education's own estimate, released on April 10, 2002, estimated UPK's first-year costs at $277 million to $462 million and the cost in 2006-2007 at $310 million to $516 million. In all three estimates, the lower figures assume a six-hour-per-day, 180-day program. The higher figures assume "wrap-around" after-school services offering child care for working parents. Parents above a certain income level would pay for after-school care on a sliding scale based on income. The state would pay the costs for parents receiving state or federal aid.

Clearly, Jennings is hoping that the DOE's low-end estimates are closer to the true costs than are the others. Does this suggest, she is asked, that UPK should be phased in rather than implemented statewide in 2005 as Amendment 8 requires? She paused, then offered this: "I'm too early in the process to be too concerned about the end. I think we've got to give it [full implementation in 2005] a shot. But like many things, sometimes phasing in is the better way. You learn by early missteps."

She quickly added: "The amendment doesn't allow for [phase-in], and the amendment was pretty clear, and the people were pretty clear that they thought that [full implementation in 2005] was the right thing to do, so I think it's important for us to move in that direction."

Governor Jeb Bush explains his philosophy

Governor Jeb Bush, a devotee of e-mail, responded by e-mail to questions about UPK that were e-mailed to him.[31]

> Question 1 to Bush concluded: "How would UPK further your goal of enabling every Florida child to learn to read as early as possible?"
>
> Bush responded: "All the research shows that, while formal reading doesn't begin until later, early literacy skills are being formed very nearly from birth. That's why parents of every Florida newborn now receive 'I'm a Reader' information kits before they even leave the hospital, to help them

[31] Governor Bush's e-mailed response to author's e-mailed questions, June 9, 2003.

build these skills in their children as quickly as possible. As we develop the curriculum for universal pre-k, the goal will be getting these children 'ready to read' so that they can be 'ready to learn' as soon as they enter kindergarten." In fact, the importance of teaching children to read is a hallmark of the Bush administration.

The next question was: "The School Readiness Act, which you signed in 1999, initially assigned responsibility for this program to the governor's office. You later transferred it to the Agency for Workforce Innovation. In March 2003, more than three-fourths of the board [members] of the Partnership for School Readiness voted to house UPK in the governor's office. ... Dave Lawrence and Alex Penelas [both] strongly favor that alternative. What is your view?"

Bush answered: "Reasonable people can disagree about this. I feel the Agency for Workforce Innovation makes the most sense, but the important thing is reaching children and getting them ready for school. The institutional structure we choose is not the most important part of the vision."

That response would seem to say to Lawrence, Penelas, *et al:* "Forget about housing UPK in the governor's office. It just won't happen – at least not under Bush."

The next question to Bush was: "As you know, Amendment 8 unequivocally calls for UPK to be funded without taking money from any other educational functions. What will you do to assure that UPK receives the full funding that voters intended even if next year's budget shortfall is (as estimates predict) worse than this year's" shortfall of $4 billion?

Bush's response was adamant: "There is no budget shortfall," he declared. "Our total state budget will grow next year by over $3.2 billion, or more than 6 percent. As long as our economy is growing, our tax revenues will grow, and our budget can grow. If we stay on the path of fiscal discipline, we can fund increases for Florida's priorities."

A member of the Partnership for School Readiness board, speaking on condition of anonymity, said Bush has undergone a fairly dramatic turnaround in his view of UPK. While Bush's initial support was widely viewed as lukewarm, this source said Bush now shows every sign of embracing UPK with genuine fervor.

Voters hand Legislature a $42 billion tab

When Washington requires states to spend money without giving them anything to cover the cost, it's called an unfunded mandate. Ditto when states require spending by their county and city subdivisions without giving them any money. In Florida, voters since the 2000 election have given the Legislature an inverse

unfunded mandate totaling – if you accept Governor Bush's high-end estimates – some $42 billion over the next eight years. This includes up to $12 billion for a bullet train, perhaps $27.5 billion to reduce class sizes, and up to $650 million per year – some $3 billion over five years – for UPK. By amending the state Constitution via petition three times in two years for these causes, Florida voters essentially told their Legislature: "*Here's* what we want. *You* find a way to pay for it."

The run on the bank began in 2000, when voters approved an amendment calling for a bullet train connecting Miami, Tampa, and Orlando. Bush estimates the total cost at $12 billion. The amendment mandated that construction begin by November 2003, but it set no completion deadline.

The 2003 Legislature, clearly leery of entering this brier patch, appropriated a scant $20 million for bullet-train engineering studies. The amendment's mandated start date won't be met. This raises an intriguing question: What recourse do voters have when legislators fail to implement in a timely way Constitutional amendments adopted by petition? A voter or group could sue, of course, but suppose they won? To comply with a court decision, legislators either would have to increase taxes, raise fees, or cut services, or all three. This would provoke howls of protest from the tax-averse public that the plaintiffs presumably were representing.

Meantime, a bullet-train donnybrook is under way in Orlando pitting Disney World against the competing hotels on International Drive and the Orlando Convention Center, the nation's third-largest. All three locations want a bullet-train station in addition to the one planned for Orlando International Airport, but Disney has issued an ultimatum: Put a bullet-train station at the Convention Center or on International Drive, and we won't even consider one at Disney World.

The costliest amendment that Floridians adopted in 2002 mandated a reduction in class sizes to 18 in grades pre-k through 3, to 22 in grades 4 through 8, and to 25 in grades 9 through 12 by the year 2010. State economists say the amendment would cost $27.5 billion over the phase-in period, and $2.5 billion per year thereafter.[32]

Governor Bush strove mightily during the 2003 session to get the Legislature to put on the 2004 ballot a Constitutional amendment repealing both the class-size and bullet-train measures. To do that, he needed a three-fourths vote of both legislative chambers. But in the most stunning – not to say humiliating – defeat of his five years as governor, Bush couldn't even get a simple majority in either the House or the Senate. This despite the fact that the GOP holds an 81-39 edge in the 120-member House and a 25-14 edge in the 40-member Senate (where there's one vacancy).

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[32] "Price tags kept off ballot," *The St. Petersburg Times*, September 14, 2002.

Undeterred, Bush's appointees (all seven) to the state Board of Education tried an end-around move in Miami on September 19, 2003.. The board urged voters to repeal the class-size cap for grades 4 through 12 while keeping it at 18 students for grades pre-k through 3. To do this would require either a petition drive, which is problematic, or an extraordinary vote by both houses of the Legislature. Given Bush's stinging defeat by his fellow Republicans on his repeal move during the 2003 session, that legislative dog – as the saying goes – surely won't hunt.[33]

It should be self-evident that a Constitution that allows voters by petition to mandate whatever spending they wish without requiring them to consider the costs is out of balance. The Florida Legislature thinks so. Thus legislators put on the 2002 ballot, and voters adopted, a Constitutional amendment requiring that any future amendment proposed by petition must include an estimate of its costs. In the future, Florida voters still might pass unaffordable amendments, of course. But at least they'll be forewarned.

Challenges for the 2004 Florida Legislature

Given this backlog of voter-mandated spending, the 2004 Florida Legislature would have its hands full even without trying to adopt a UPK program in an intelligent, orderly fashion. Add UPK to the existing voter-mandated spending, and the 2004 Legislature's task is truly staggering.

If they're lucky, Lieutenant Governor Jennings's UPK Advisory Council will hand Goveror Bush and the Legislature a thorough, thoughtfully crafted plan that they can massage and adopt without undue ardor for implementation statewide in 2005. Let's hope so. At the very least, it will be a formidable challenge to craft a plan that sets standards for curriculum, testing, teacher-child ratios (the goal is one teacher and one aide per 18 children), salary scales, and on and on and on.

Then Governor Bush and legislators must decide where to house UPK. Finally, Bush must choose someone to head it. The ideal candidate would have some of the key characteristics of a miracle worker. Because to implement this program all at once, statewide, in a state as populous as Florida, will take a miracle. In retrospect, it would have been better to implement UPK in phases. But no, Amendment 8 was clear and unambiguous: Do it statewide, all at once.

On February 10, 2003, Lawrence sent Bush a 2-1/2-page letter reporting on UPK recommendations agreed to by at least three-fourths of board of the Florida Partnership for School Readiness following a three-hour discussion.[34] The letter

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[33] "State board urges repeal of class-size amendment," *The Miami Herald*, August 20, 2003.

[34] Letter to Governor Jeb Bush from Dave Lawrence as chair of the Florida Partnership for School Readiness, February 10, 2003.

is an exemplary summation of the issues facing Bush, Jennings, and the 2004 Legislature as they shape the law for implementing Florida's UPK in 2005. It is worth quoting at length in the attached appendix to this report because of all the heavy hitters among Florida's child advocates, the Partnership arguably is the heaviest. It has nearly four years' experience in implementing the School Readiness Act. Its statewide board includes state officials as well as gubernatorial appointees. Its scope and mandate are statewide. These recommendations merit attention by Bush, Jennings, Florida legislators, and by child advocates in Florida and in those 23 other states whose Constitutions permit amendments to be adopted by voters' petitions. While Constitutional requirements vary from state to state, children's requirements are constant, universal, and enduring. So there you have it. The challenge for the 2004 Florida Legislature is daunting, but UPK's promise for Florida's 4-year-olds – indeed, for 4-year-olds in any state – is absolutely scintillating.

The opposite of promise – that is, calamity and tragedy – unfortunately has befallen the Florida agency responsible for Florida's dependent children, the Department of Children and Families, in the past couple of years. In 2002 a 5-year-old girl, Rilya Wilson, disappeared from her custodial caregivers in Miami-Dade County. She still has not been found. Since then, two or three toddlers have been killed in South Florida either by their parents or by the mother's boyfriend. On May 14, 2003, Lawrence spoke at a DCF Prevention Conference in Orlando. His was an uplifting speech, as is his wont, and he ended it with this prescient quote:[35]

"Let us not permit ourselves to fail. Should we fail, ladies and gentlemen, I remind you of the words of the great psychiatrist Karl Menninger: 'What we do to our children,' said Dr. Menninger, 'they will do to society.' "

Yes!

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[35] Dave Lawrence, speech to Florida Department of Children and Families Prevention Conference in Orlando, Florida, May 14, 2003.

Appendix

The following is based on a letter sent to Governor Jeb Bush from Dave Lawrence, chair of the Florida Partnership for School Readiness, on February 10, 2003, summarizing UPK recommendations agreed to by at least three-fourths of the Partnership's board after a three-hour discussion: [34]

Basic Principles

- Parents matter because they are their child's first and most important teachers.
- All children can learn.
- The early years are important because the time from birth to age 5 is the most rapid and robust period of brain development.
- High-quality early care and education programs can make a significant contribution to children's development and learning.
- Children's readiness for school and the development of early literacy are linked to their physical health, approaches to learning, social-emotional development, language and communication, cognitive development and general knowledge, and motor development.
- Do no harm to children, families, and providers.
- Parent choice according to individual family preference.
- Child outcomes should be emphasized.
- Support best practices. There are many paths to school readiness; do not over-prescribe.
- Build incentives to improve quality and performance.
- Minimize bureaucracy, but maximize accountability.

Guiding Principles for Program Services

- Programs should support the development of early literacy skills and all areas of child development.
- Programs should be delivered in public, private, and faith-based settings.
- Annual pre- and post-assessments of children's learning and growth are needed.
- Scientifically based longitudinal research is important to measure the impacts of programs and their cost-benefits.
- Programs should provide referral and access to needed services for children and families (including special-needs children).
- Curricula are required and must be consistent with the Florida Partnership for School Readiness Performance Standards.
- Curricula must be based on research and encompass a strong literacy focus.
- Curricula must be selected from a state-approved list or be reviewed at the state level for approval.

- Implementation of the voluntary [UPK] program must not adversely impact services for children birth to age 3 and school-age children.
- Voluntary [UPK] programs should be offered in family child-care homes; public, private, and faith-based centers; and schools.
- Voluntary [UPK] programs should meet state licensing requirements or be accredited by a national accrediting body.
- Voluntary [UPK] programs should offer half-day and full-day programs at taxpayer expense.
- Adult–child ratios and group size influence program quality and children's learning and development.
- The maximum group size in the voluntary [UPK] program for 4-year-olds would be no more than 18 in compliance with the class-size amendment (which Florida voters also passed in 2002).

Guiding Principles for Staffing

- Improving the quality of caregivers and teachers will result in better outcomes for children.
- An articulated career path for caregivers and teachers should be established.
- Criteria should be established for annual in-service training that enhances quality and outcomes for all children.
- Mentoring programs for early childhood teachers should be established.
- Expand the TEACH scholarship program.
- Expand incentives to attract early childhood caregivers and teachers.

Guiding Principles for Structure and Administration

- We need an overarching focus on school readiness.
- Housing of school readiness should reflect its priority, and therefore be given a high-profile position in state government.
- Create tiered reimbursement systems to support higher program quality and provide incentives for caregivers and teachers to complete additional credentials or higher levels of education.
- Retain a single administrative oversight for services for children birth to age 5.
- Retain a single administrative structure for children birth to age 13 (or age 17 for children with special needs).
- Strengthen and support the management information system.
- Funding must be adequate to support a level of quality to ensure the optimal development of children and to achieve learning outcomes for all children.
- Need a simpler payment system and greater assurance of funding.
- Strengthen a statewide monitoring process to ensure that all programs are fully implemented.

Guiding Principles for Governance

- Statewide policy direction and oversight should be an imperative.

- Local control and accountability should be an imperative.
- Improve efficiency by minimizing bureaucracy and maximizing accountability.
- Retain the statewide [Partnership for School Readiness] board structure.
- Retain the local School Readiness Coalition structure."

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